

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	19cv11313 (DLC)
MARJANA SEKOSAN,	:	
	:	PRETRIAL
Plaintiff,	:	<u>SCHEDULING ORDER</u>
-v-	:	
	:	
A BRONX WOMEN'S MEDICAL PAVILION, P.C.	:	
AND BRIAN E. PARK, M.D.,	:	
	:	
Defendants.	:	
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DENISE COTE, District Judge:

As set forth at the telephonic pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on September 28, 2021, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. This case will be referred to mediation. The Clerk of Court will contact the parties when a mediator has been selected.
2. All fact discovery must be completed by November 19, 2021.
3. Pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

4. The Joint Pretrial Order must be filed by December 17, 2021.

As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. In the event a party does not file a Memorandum of Law, a responsive Memorandum of Law should not be submitted unless in reply to an unanticipated legal argument in the other party's Memorandum of Law.

5. IT IS HEREBY ORDERED that the case is placed on the February 2022 trial ready calendar. You must be ready to proceed on 24 hours notice. You may contact the Deputy Clerk, Jared Whertvine, to learn where your case stands on the calendar.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial.

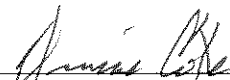
1. All exhibits must be pre-marked.
2. At the start of the trial each party will send the following to the Court's Chambers email inbox: Cotenysdchambers@nysd.uscourts.gov.:
 - (a) A complete exhibit list.
 - (b) A set of pre-marked exhibits assembled sequentially in a digital folder and labeled with exhibit numbers for ready reference.
 - (c) The exhibits should include copies of the sections of any depositions that are intended to be offered into evidence, expert reports, and any charts or summaries of evidence.
3. Counsel should be available every day at 9:00 a.m. (except for the first day of trial) in order to discuss with the Court any legal or evidentiary issues expected to arise

during the day.

4. Testimony will generally be taken between 9:30 and 5:00 from Monday through Thursday. There will be a mid-morning, a mid-afternoon and a lunch break from 12:45 p.m. to 2 p.m.
5. There should be no sidebars during jury trials. Counsel are expected to anticipate any problems that might require a ruling from the Court and to raise those issues with the Court in advance of the time that the jury will be hearing the evidence.
6. If counsel intend to distribute copies of documentary exhibits to the jury, make a digital copy available for each juror.
7. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.

SO ORDERED:

Dated: New York, New York
September 28, 2021


DENISE COTE

United States District Judge